

c. exciting the labelled biomolecule assay sample in a suitable fluorescence instrument to provide a fluorescence emission for quantitation.

<sup>8</sup>  
~~18~~ A method according to Claim <sup>7</sup>~~17~~ wherein said organic dye is selected from the group consisting of: rhodamine, allophycocyanin (APC) and indodicarbocyanin (CY-5).

<sup>9</sup>  
~~19~~ A kit for fluorescence detection-based techniques or bioassays comprising:  
a. a suitable amount of a compound of Formula I according to Claim ~~1~~,  
and  
b. a suitable amount of organic dye.

<sup>10</sup>  
~~20~~ A kit according to Claim <sup>9</sup>~~19~~ wherein said organic dye is selected from the group consisting of: rhodamine, allophycocyanin (APC) and indodicarbocyanin (CY-5).

A  
concluded

#### REMARKS

Claims 1-10 are pending in the application. Claims 1-10 were cancelled without prejudice to the filing of further claims directed to the cancelled subject matter as Applicants may see fit. New Claims 11-20 were added to the application.

No new matter was introduced into the application by the foregoing amendments to the claims.

An abstract and the correction of certain informalities in the specification were required.

#### Specification

1. An abstract on a separate sheet was required. *Office Action* at 2.

An abstract, enclosed herewith on a separate sheet of paper, was added to the last page of the specification.

2. The disclosure was objected to because of the following informalities:

- a. Page 3, line 3: spelling of "US5162508";
- b. Page 11, line 12: "DTPAA" was not defined;
- c. Page 11, line 32: the word "aqueous" was misspelled.

*Id.*

These informalities have been corrected by the amendments to the specification herein above.

**Rejections Under 35 U.S.C. §112**

3. Claims 8 and 10 were rejected as indefinite. *Office Action* at 2.

These rejections are moot in light of the cancellation of Claims 1-10 herein above.

4. Claim 2 was rejected as indefinite for failing to provide a structural definition for the term "aminoquinolines (AQ)". *Office Action* at 2-3.

This rejection is moot in light of the cancellation of Claims 1-10 herein above.

5. Claim 1-8 were rejected as indefinite because Claim 1, 4 and 7 each recite the term "[NΛ]<sub>n</sub>", which term the Examiner found to be undefined and that it was unclear how this term related to the structures of the claimed compounds. *Office Action* at 3.

These rejections are moot in light of the cancellation of Claims 1-10 herein above.

Applicants note for the Examiner's convenience that in reference to new Claims 11, 14 and 17, the term "[NΛ]<sub>n</sub>" is clearly defined on Page 4, lines 13-17 of the specification as filed. Furthermore, the term clearly represents the variable central portion of Formula I between the square brackets. One of ordinary skill in the art looking at Formula I and reading the definition of "[NΛ]<sub>n</sub>" would understand that the term represents the variable structure of Formula I which can be DTPA, TTPA or a polyaminocarboxylate derivative thereof.

6. Claim 1-8 were rejected as indefinite because Claim 1, 4 and 7 each recite "DTPA" and/or "TTPA", and these terms are not defined in the claims. *Office Action* at 3.

These rejections are moot in light of the cancellation of Claims 1-10 herein above.

7. Claim 1-8 were rejected as indefinite because Claims 1, 4 and 7 each recite parenthetical terms, e.g., "(n=1)". The Examiner expressed the view that the "use of parenthetical expressions...renders the claims...indefinite because it is unclear whether the limitation(s) enclosed within the parentheses are part of the claimed invention." *Office Action* at 3.

These rejections are moot in light of the cancellation of Claims 1-10 herein above.

8. Claim 9 was rejected as indefinite because the term "Formula I" is undefined. *Office Action* at 4.

This rejection is moot in light of the cancellation of Claims 1-10 herein above. Applicants note that new Claim 19, which corresponds to cancelled Claim 9, is made dependent on Claim 1, and thus "Formula I" is defined in new Claim 19.

#### **Rejections Under 35 U.S.C. §102**

Claims 1, 2 and 4-8 were rejected as anticipated by Li et al because Li discloses a compound having the structure of present Formula I where R1 corresponds to an aminoquinoline and R2 corresponds to an isothiocyanate derived from *p*-aminophenylalanine. *Office Action* at 4.

These rejections are moot in light of the cancellation of Claims 1-10 herein above.

New Claims 11-20 are not anticipated by Li. Applicants note that the scope of new Claims 11-20 is limited to R1 being a phenone, and not an aminoquinoline. Support for the new claims may be found at various places in the specification as filed, particularly at page 4, line 22 to page 5, line 3.

#### **Rejections Under 35 U.S.C. §103**

Claims 1, 2 and 4-8 were rejected as obvious over Li et al in view of Gansow. Li discloses a compound having the structure of present Formula I where R1 corresponds to an aminoquinoline and R2 corresponds to an isothiocyanate derived from *p*-aminophenylalanine. Gansow discloses compounds similar to the instant compounds except that the compounds of Gansow lack a group corresponding to R1. Gansow suggests the use of his compounds in kits. *Office Action* at 5-6.

These rejections are moot in light of the cancellation of Claims 1-10 herein above. New Claims 11-20 are not obvious in view of Li alone, or in combination with Gansow, because the new claims are limited to compounds wherein R1 is a phenone, and not an aminoquinoline.

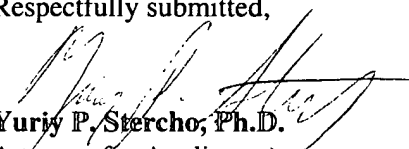
**Allowable Subject Matter**

Applicants wish to thank the Examiner for stating that Claim 3 is drawn to allowable subject matter. Applicants note that new Claim 13 corresponds in scope to cancelled Claim 3, and is thus also allowable.

This Amendment and Reply Under 37 C.F.R. §1.111 is responsive to every ground of rejection in the present Office Action and is intended to advance the application to allowance. To that end, a favorable consideration of new Claims 11-20 is respectfully requested. Should any matter require resolution before allowance of these claims, the Examiner is asked to contact the undersigned attorney at the telephone number listed below.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

An Abstract of the Invention has been added.

**IN THE CLAIMS:**

Claims 1-10 were cancelled.

New Claims 11-20 were added.